

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** April 14, 2011

**Agenda Item:** Amend Hauser Reservoir Administrative Rule

**Division:** Legal Unit

**Action Needed:** Approval of Final Rule/Action

**Time Needed on Agenda for this Presentation:** 5 minutes

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### **Background**

In September 1995, the commission amended Administrative Rule of Montana (ARM) 12.6.801 (which was transferred to ARM 12.11.3205 in 2001) closing from Canyon Ferry Dam to below Brown's Gulch from Oct. 15 and ending Dec. 15 to the use of all watercraft. The commission adopted this closure in order to protect a large concentration of migrating bald eagles that used this section of the reservoir to feed on kokanee salmon carcasses. Bald eagles no longer migrate to this portion of the reservoir making the rule no longer necessary.

### **Public Involvement Process & Results**

The commission approved proposing the amendment to the Hauser Reservoir administrative rule at the Jan. 13, 2011 meeting. Notice was published in the Montana Administrative Register, Fish, Wildlife and Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. A public meeting was held on Feb. 23 in Helena but nobody attended. No public comment was received during the public comment period.

### **Alternatives and Analysis**

If the commission does not approved proposing the amendment of ARM 12.11.3205, the unnecessary closure will remain in effect.

### **Agency Recommendation & Rationale**

FWP is recommending the commission adopt the amendments to ARM 12.11.3205 removing the closure from Canyon Ferry Dam to below Brown's Gulch.

### **Proposed Motion**

I move the commission adopt the amendments to ARM 12.11.3205 to remove the seasonal closure of Hauser Reservoir from Canyon Ferry Dam to below Brown's Gulch.